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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,743	10/16/2006	Gereon Vogtmeier	DE 030340	2256

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
KIKNADZE, IRAKLI	

ART UNIT	PAPER NUMBER
2882	

MAIL DATE	DELIVERY MODE
09/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,743	VOGTMEIER ET AL.	
	Examiner	Art Unit	
	Irakli Kiknadze	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/28/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 10 and 11 are objected to because of the following informalities: In claim 10, on line 3, the method step "measurement of first data" should read – measuring of first data". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sferlea (DE 198 02 499 A1).

With respect t claim 1, Sferlea teaches An X-ray unit comprising: a first arrangement for the contactless and X-ray-free measurement of first data of an object; a second arrangement for measuring X-ray data of the object using X-rays; and a control unit that is provided for controlling the second arrangement as a function of the first data (column 3, lines 45-50 and column 3, line 62 – column 4, line 8).

With respect t claims 2 and 3, Sferlea teaches that the first arrangement is equipped to use light or sound to measure the first data. The first arrangement comprises a transmitter for transmitting light or sound and a receiver for receiving the reflected light or sound. The first data are geometry data of the object (column 3, line 62 – column 4, line 8).

With respect t claim 5, Sferlea teaches that the first arrangement measures the first data by means of triangulation, stereoscopy or transit-time determination (column 3, line 62 – column 4, line 8).

With respect t claim 7, Sferlea teaches the first arrangement (2) comprises a plurality of spatially stationary measuring units (column 3, line 62 – column 4, line 8).

With respect t claim 9, Sferlea teaches that the X-ray unit comprises a processor unit (I0) that is intended to convert data measured in the first arrangement into geometry data (column 3, line 62 – column 4, line 8).

With respect t claim 10, Sferlea teaches a method of measuring X-ray data of an object that comprises the following steps: measuring of first data of the object (i) by means of a contactless and X-ray-free method; starting of the measurement of the X-ray data of the object by means of X-rays and controlling the measurement of the X-ray data as a function of the first data (column 3, lines 45-50 and column 3, line 62 – column 4, line 8).

With respect t claim 11, Sferlea teaches that the first data is accomplished by means of sound or light, whereby as an intermediate step in the measurement step the

light or sound is reflected by a reflection-optimizing means that is provided on the object (column 3, lines 45-50 and column 3, line 62 – column 4, line 8).

4. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Siemens AG (GB 1 546 926).

With respect t claim 1, An X-ray unit comprising: a first arrangement for the contactless and X-ray-free measurement of first data of an object; a second arrangement for measuring X-ray data of the object using X-rays; and a control unit that is provided for controlling the second arrangement as a function of the first data (page 2, lines 24-50 and 89-100).

With respect t claims 2 and 3, the first arrangement is equipped to use light or sound to measure the first data. The first arrangement comprises a transmitter for transmitting light or sound and a receiver for receiving the reflected light or sound. The first data are geometry data of the object (page 2, lines 24-50 and page 3, lines 48-80).

With respect t claim 5, the first arrangement measures the first data by means of triangulation, stereoscopy or transit-time determination (page 3, lines 48-80).

With respect t claim 6, the first arrangement has a measuring unit that is intended to rotate around the object (page 2, lines 24-50).

With respect t claim 8, that the second arrangement has an X-ray source that is intended to rotate around the object, and in that the intensity and/or mean energy of the X-rays are/is controlled by the control unit (page 3, lines 48-80).

With respect t claim 9, the X-ray unit comprises a processor unit that is intended to convert data measured in the first arrangement into geometry data (page 3, lines 48-80).

With respect t claim 10, a method of measuring X-ray data of an object that comprises the steps of: measuring of first data of the object by means of a contactless and X-ray-free method, starting of the measurement of the X-ray data of the object (I) by means of X-rays, controlling the measurement of the X-ray data as a function of the first data (page 2, line 24-45 and page 3, line 48-80).

With respect t claim 11, the step of measuring the first data is accomplished by means of sound or light, whereby as an intermediate step in the measurement step the light or sound is reflected by a reflection-optimizing means that is provided on the object (page 2, line 24-45 and page 3, line 48-80).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irakli Kiknadze whose telephone number is 571-272-2493. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IK
September 13, 2007

Irakli Kiknadze
Patent Examiner